

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action 2:05CV 1**

**ANITA DUNCAN, NAOMI DUNCAN,
MARY McCOMBS, and SCOTT
SCROGGS,**

Plaintiffs,

v.

**PHOENIX SUPPORTED LIVING, INC.,
and TONY SCHMIDT,**

Defendants.

ORDER OF DISMISSAL

THIS MATTER, having come before the court in accordance with 28 U.S.C. § 636(c), and it appearing to the court, based on representations of counsel for the Plaintiffs and counsel for the Defendants, that all matters in dispute between the Plaintiffs and the Defendants in this action have been resolved to the satisfaction of all parties;

AND IT APPEARING that the Plaintiffs and the Defendants have entered into a “Settlement and Release Agreement” (the “Agreement”) that has been signed by all parties, which the Court has reviewed *in camera* and determined, after thorough consideration, to be in the best interests of the Plaintiffs and each of them, and which the Court finds complies with the Fair Labor Standards Act of 1938.

THIS ACTION is therefore **dismissed with prejudice** in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Court retains jurisdiction of this action for the purpose of taking any action that may be required to enforce the terms of the parties’ Agreement. Each party

shall bear its own costs and attorney's fees, in accordance with the Agreement. The hearing scheduled in this matter is **CANCELLED** and all pending motions are **TERMINATED**.

SO ORDERED AND ENTERED this the 10th day of October, 2007.

Signed: October 10, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

